

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRUSTEES OF THE NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS PENSION FUND, WELFARE FUND, ANNUITY FUND, APPRENTICESHIP, JOURNEYMAN RETRAINING, EDUCATIONAL AND INDUSTRY FUND; TRUSTEES OF THE NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS RELIEF AND CHARITY FUND; and THE NEW YORK CITY AND VICINITY CARPENTERS LABOR-MANAGEMENT CORPORATION,

Plaintiffs,

v.

DUNCAN PARTNERS, LLC,

Defendant.

USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 7/20/2020

19-CV-8120 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On May 15, 2020, Plaintiffs moved for a default judgment against Defendant Duncan Partners, LLC. On May 20, the Court gave Defendant until June 19, 2020 to file answering papers and serve them upon Plaintiffs. *See* Dkt. 38. In that same Order, the Court informed the parties that “[i]n light of the COVID 19-crisis, [it] will not have a show cause hearing and will instead resolve this matter on the papers,” warning that “[i]f Duncan Partners fails to respond by **June 19, 2020** or fails to request an extension to do so, judgment will be entered for Plaintiffs.” *Id.* (emphasis in original). That Order further required “Plaintiffs to serve a copy of the motion for default judgment, any supporting papers, and this Order by **June 1, 2020** on Duncan Partners” and to “file proof of services of these documents with the Court.” *Id.* (emphasis in original).

In reviewing Plaintiffs' default judgment motion, it is unclear to the Court whether Plaintiffs served the May 20th order, *see* Dkt. 38, on Defendant. The affidavit of service, filed on May 27, states only that Defendant was served with the “‘SO-ORDERED’ Order signed by the Hon. Ronnie Abrams, Dated May 20, 2020,” in addition to the default judgment motion and supporting papers. That “‘SO-ORDERED’ Order,” however, could refer to the Partial Stipulation of Dismissal, which the Court “SO ORDERED” and signed on May 20, *see* Dkt. 37, and not the May 20th Order informing Defendant that it had until June 19 to respond to Plaintiffs' motion for default judgment.

Accordingly, no later than July 22, 2020, Plaintiffs shall file a letter, confirming that they properly served Defendant with the proper May 20th Order, *see* Dkt. 38.

SO ORDERED.

Dated: July 20, 2020
New York, New York



RONNIE ABRAMS
United States District Judge